

A decorative graphic on the left side of the slide, resembling a spiral binding of a notebook. It consists of a series of black, three-dimensional, zig-zagging shapes that wrap around a central vertical axis.

RCRA/CERCLA Integration

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What's the Issue?

- Statutory Overlap
- Federal/State Overlap

RCRA/CERCLA Statutory Overlap

- Hazardous Substance Vs. Hazardous Waste
- RCRA Corrective Action at TSDs
- NPL Listing
- DoD IRP Program
- Permits

Federal/State Overlap

- Federal Facility Listing
- Executive Order 12580
- State RCRA Authorization
- CERCLA Non-Delegable
- CERCLA § 120(g)
- CERCLA § 120(e)(4)(A) Remedy Selection
 - NPL Vs. Non-NPL
 - CERCLA § 120(h)(3) Transfer

Current State of the Law

• Unresolved

• Examples

- U.S. Vs. Colorado
- In the Matter of Altus AFB
- Massachusetts Military Reservation
- White Oak Naval Surface Warfare Center
- Washington Navy Yard

NPL Vs. Non-NPL Sites: Is CERCLA Different?

- No! NCP Applies Equally to Both
- Caveat:
 - Remedy Selection
 - IAGs
 - RODs

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Keeping Your Eyes On the Prize!

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- What's the Objective?
 - Parity Concept
 - Lead Regulator Policy
 - Deferral/Delisting Policy